



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.34422 of 2019

Zakir Hussain,
S/o.Jafarullah

...Petitioner

Vs.

1. The Collector,
Office of the Collectorate,
Kancheepuram.
2. The Personal Assistant to
Collector,
Office of the Personal Assistant
(General to Collector),
Kancheepuram.
3. The Special Tahsildar,
(Land Acquisition),
Bangalore-Chennai Express Way,
National Highways,
O/o. The Special DRO (NH),
Kancheepuram.
4. Tamil Nadu Road Sector Project,
Kancheepuram.
5. The Chief General Manager (T) & RO,
National Highway Authority of India,
Regional Office, Chennai.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to pass appropriate award to render the amount of compensation during the acquisition of the petitioner's property, the value of compensation may be fixed in equal to market rate of the property, reserving our right to contest the quantum and proceedings of acquisition and conclude the same within a time frame limit.



For Petitioner : Mr.Prasanna Durai for
Mr.C.V.Kumar

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate for R1 to R4
Mr.Su. Srinivasan for R5

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the respondents to pay compensation amount.

2. The grievance of the petitioner is that, the petitioner is the owner of the land comprised in Punjai Survey No.408/2D, New Survey No.408/2D2, situate at Thirukazhukundram Taluk, Chengalpattu District and he has put up a house and residing there since the year 2015. Now, he came to know that, without issuing any notice whatsoever to him, land acquisition proceedings has been initiated and the award was also passed. In the said circumstances, the present Writ Petition has been filed with the above said prayer.

3. Earlier, notice ordered to the respondents. Today, when the matter taken up for hearing, Mr.Su.Srinivasan, learned counsel appearing for 5th respondent National Highways Authority would submit that, after the enquiry, award was passed and the award amount is with the competent authority, 3rd respondent herein. It is always open to the petitioner to appear before the 3rd respondent and he can get the compensation.

4. In reply to the contentions, the learned counsel appearing for petitioner would submit that, the land has been shown as vacant land, however, the petitioner has put up a house and residing there. Now, he came to understand that, the award has been passed treating his land as vacant land without paying any compensation for the house, and the petitioner has grievance over that. The learned counsel would also submit that, the copy of the award was also not served on the petitioner.

5. Considering the facts and circumstances that, now the award has been passed and it has been pending with the competent authority, 3rd respondent. If at all, the petitioner has any grievance in respect of award, he can very well challenge the same in the manner known to law, no relief can be granted in this Writ Petition in respect of quantum of award. Accordingly, this Writ Petition stands disposed of with a direction directing



the petitioner to appear before the 3rd respondent within a period of two weeks from the date of receipt of copy of this order. On such appearance, the 3rd respondent is directed to serve copy of the award to the petitioner and on receipt of copy of award, it is open to the petitioner either to receive compensation on production of title documents or he can challenge the same in the manner known to law. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Collector,
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5. The Chief General Manager (T) & RO,
National Highway Authority of India,
Regional Office, Chennai.

+1 cc to the Government Pleader, S.R.No.32597
+1 cc to Mr.*, Advocate, S.R.No.32075

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PA(CO)
KKV/16/07/2021